ern California Gas Company and Southern Counties Gas Company of California, real parties in interest herein.

Dated: San Francisco, California
December 3, 1962

Respectfully submitted,

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SUPREME COURT, U. S.
FILED
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IN THE

Supreme Court of the United States

OCTOBER TERM, 1962
No. 445

SOUTHERN CALIFORNIA EDISON COMPANY, a Corporation,

Appellant,

vs.

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA,

Appellee,

SOUTHERN CALIFORNIA GAS COMPANY and SOUTHERN COUNTIES GAS COMPANY OF CALIFORNIA,

Real Parties in Interest.

REPLY TO SUPPLEMENTS TO MOTIONS TO DISMISS APPEAL.

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Appellee,

SOUTHERN CALFORNIA GAS COMPANY and SOUTHERN COUNTIES GAS COMPANY OF CALIFORNIA,

Real Parties in Interest.

REPLY TO SUPPLEMENTS TO MOTIONS TO DISMISS APPEAL.

Your Appellant, the Southern California Edison Company herewith submits a reply to the Supplements to Motion To Dismiss Appeal, dated December 3, 1962, and filed by the real parties in interest, the Southern California Gas Company and Southern Counties Gas Company of California; and by the appellee, the Public Utilities Commission of the State of California.[1]

[1]The following abbreviations, of parties and certain documents, are sometimes employed herein:

Although the supplement of the Gas Companies is entitled a "Supplement to Motion Of Southern California Gas Company and Southern Counties Gas Company of California to Dismiss Appeal, or Alternatively, Suggestion of Mootness", it is clear that the Supplement is directed only to the issue of mootness, for in paragraphs 1 and 2 thereof the Gas Companies state that they move as a supplement and addition to the motion to dismiss appeal, to "dismiss the appeal herein on the ground that it has become and is, and the questions raised herein have become and are, moot". (Gas Cos. Supplement, p. 1.) It appears that this suggestion of mootness has been adopted by the appellee, the

(1) Petition for Writ of Review, or, In the Alternative, for a Writ of Mandamus, including exhibits: "Petition."

(2) Memorandum of Points and Authorities in Support of Petition for Writ of Review or, in the Alternative, for a Writ of Mandamus, including appendices and verification: "Memorandum."

(3) Southern California Edison Company, Appellant: "Edison."

(4) Statement as to Jurisdiction, filed by Edison in support of this Appeal: "Statement."

(5) Reply to Motions to Dismiss Appeal, filed herein by Edison: "Edison Reply."

(6) Reply to Supplements to Motion to Dismiss Appeal, filed by Edison: "Edison Reply to Supplements."

(7) The Public Utilities Commission of the State of California, Respondent herein: "Commission."

(8) Brief filed herein in support of Commission Motion to Dismiss Appeal: "Comm. Br."

(9) Supplement to Motion to Dismiss Appeal, filed herein by the Commission: "Comm. Supp."

(10) Southern California Gas Company and Southern Counties Gas Company of California, Real Parties in Interest, herein: "Gas Companies."

(11) Brief filed herein in support of Gas Companies' Motion to Dismiss Appeal: "Gas Cos. Br."

(12) Supplement to Motion of Southern California Gas Company and Southern Counties Gas Company of California to Dismiss, or Alternatively Suggestion of Mootness: "Gas Cos. Supp."

Public Utilities Commission, in a Supplement dated December 3, 1962, which has also been filed herein.[2]

It is submitted that the suggestion of "mootness" is poorly taken, for the subject matter of this appeal, which relates to the construction placed upon certain state statutes by the Public Utilities Commission, and the state Supreme Court, in proceedings on the application of the real parties in interest, the Gas Companies, for a certificate to construct the California segment of an interstate pipeline project. (Rock Springs)[3] is fully intact, and has not been changed since the filing of this Appeal.

The suggestion of mootness raised by the adverse parties[4] in their Supplements, is based exclusively on the circumstance that subsequent to the filing of this Appeal, an independent pipeline project ("Pemex") which also involved Edison, has been substantially re-

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[2]We observe that the real parties in interest, the Southern California Gas Company and the Southern Counties Gas Company of California, have not, as yet, been admitted as parties to this action, and it can not be determined whether their Motion, or their Supplement, will be considered at this time. Accordingly, the effect of the purported adoption by the Appellee, the Public Utilities Commission of the State of California, of the Supplement of said real parties in interest, can not be determined at this time.

However, as stated in the Edison Reply to Motion to Dismiss Appeal, it is an evident fact that the real parties in interest, the Gas Companies, and your appellant, Edison, are adverse parties in the certification proceeding that is the subject of this appeal, and as such adverse parties the Gas Companies may have the right to be heard by your Honorable Court. (Edison Reply, p. 23.) Therefore, this Reply to the Supplement of the Gas Companies is being filed at this time, to clarify the suggestion of "mootness" raised therein, so that the matter will be placed in proper perspective.

[3]See Statement as to Jurisdiction, pp. 5-9.

[4]That is, both the real parties in interest, the Southern California Gas Company, and the Southern Counties Gas Company of California; and the appellee, the Public Utilities Commission of the State of California.

vised, and an application to the state Public Utilities Commission for authorization to implement such project, has been withdrawn. (Edison Reply, p. 3; Document "3" in App. to Gas Cos. Supplement.) We submit, that this procedural modification of the independent pipeline project does not affect the subject matter of this Appeal, which is concerned only with the certification of the "Rock Springs" pipeline project, that is being prosecuted by the Gas Companies.

In point of fact, as we will show below, the pending revision of the independent pipeline project serves only to increase the importance of the issue of the economic feasibility of the Gas Companies' "Rock Springs" project. This in turn casts still greater doubt on the validity of the certificate granted the Gas Companies by the appellee, Public Utilities Commission. As a consequence of these developments, the factual issues presented by this appeal have become even more important than before, and there is even greater justification for plenary consideration of this matter by your Honorable Court.

I.

Subject Matter of Appeal Remains Intact.

The subject matter of this Appeal has been clearly described in the Statement As To Jurisdiction, at pages 5 to 9, but for purposes of reference, we will briefly summarize such subject matter, below.

A. Restatement of Case.

This appeal is taken from a judgment of the California Supreme Court, affirming Decisions of the state Public Utilities Commission, granting certificates of

public convenience and necessity to the real parties in interest herein, the Gas Companies, for the construction and operation of the California segment of an interstate natural gas project, which would be routed near Rock Springs, Wyoming, and is therefore sometimes described as the "Rock Springs" project.

Your appellant, Edison, appeared in the proceedings below, and informed the Commission that to obtain an adequate long-range fuel supply, so as to be able to continue to provide satisfactory electric service, it was attempting to obtain an independent supply of natural gas from sources outside California, and that in the future the two Gas Companies might not continue to supply Edison with natural gas service, as in the past. Edison, and other parties, questioned whether the proposed "Rock Springs" project would be "economically feasible" without the Edison load. During the pendency of the proceedings on "Rock Springs", applications were filed with the state Commission, by Edison and another party, for authorizations that would be required to implement a proposed independent pipeline project, that would be routed from Texas, through northern Mexico, to California. As the Mexican portion of the project was to be owned and operated by Petroleos Mexicanos, the project was sometimes termed the "Pemex Project." (Statement, p. 5.)

In the Decisions granting the certificate to the Gas Companies, on the California segment of the "Rock Springs" project, the Commission did not make any findings on the principal issue of economic feasibility, nor on the inclusion or exclusion of Edison in the market relied upon for certification of the Rock Springs project, nor on other principal issues litigated

in the proceeding, and necessary to its determination. (Statement, pp. 5-6.)

The questions presented by this Appeal are whether the provisions of the statutes and the Constitution of the State of California, as applied by the Supreme Court of that state, in affirming the Decisions of the Commission on the grant of a certificate to the Gas Companies for the "Rock Springs" project, are repugnant to the requirements of due process of law provided in Article XIV, section 1, of the Amendments to the Constitution of the United States of America. (Statement, pp. 8-9.)

The decisive fact, insofar as the suggestion of "mootness" is concerned, is that the certificate granted by the state Commission for the "Rock Springs" project is still outstanding. If this certificate had been revoked by the appellee Commission, or cancelled by the Gas Companies, it is possible that the issue of "mootness" might then arise. But as long as the "Rock Springs" certificate continues to be outstanding, the subject matter of this appeal, and the legal issues presented thereby, remain in existence, for there is a direct controversy between your appellant, Edison, and the appellee, the state Commission, and the real parties in interest, the Gas Companies, on the validity of this certificate.

It is clear that the revision of the independent pipeline project, sometimes termed "Pemex", in which Edison is involved, has not affected the subject matter of this appeal, on the certificate granted the "Rock Springs" project, but has only increased its importance, as we will show below.

B. Revision of Independent Pipeline Project With Which Edison Concerned.

As stated in the Edison Reply, filed herein, at page 3, the original plan for the independent pipeline project has been substantially modified, and at the present time it is contemplated that the revised plan will involve the construction of a pipeline, from Texas to California, that will be completely within the limits of the United States of America.[5] In view of such revisions, the application to the state Public Utilities Commission on implementation of the independent pipeline project has been withdrawn, but the fuel procurement problem of Edison and its intention to obtain an independent out of state fuel supply remain unchanged.

The text of notice of the withdrawal by Edison of the application to the state Commission for authorization to participate in the proposed "Pemex Project" has been filed with this Court by the Gas Companies. This notice clearly states: "The project covered by these applications is now in the process of revision, which revisions are expected to be completed shortly. Such revisions include matters such as gas supply, route of the pipeline, facilities and costs and contemplate possible service to the Department of Water and Power of the City of Los Angeles as well as to Edison. Since these revisions are of a substantial and far-reaching nature, there appears to be no purpose in continuing the processing of the above applications." (Gas Cos. Supplement, Document "3", App. p. 4.)

Thus, as stated in the Notice itself, the withdrawal of the application for authorization to participate in the

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[5]As the revised pipeline project will not traverse Mexico, and will not be operated, in any part, by Petroleos Mexicanos, the term "Pemex Project" has become inappropriate.

"Pemex Project" does not indicate an abandonment of the Edison plan to obtain an independent supply of natural gas from sources outside California. This plan, which the Commission itself recognized, in the proceedings below, as envisaging the: "... direct purchase of gas from fields located in the Gulf Coast Area and its transmission by the Tennessee Gas Transmission Company", remains essentially unchanged, the revisions being designed, *inter alia*, to reduce the purchase price of the gas and the cost of transportation, and to increase the market for said gas.

The Gas Companies themselves have conceded that the Edison plan to obtain an independent supply of natural gas from sources outside California, represents an objective that has been under development for several years, the plan itself being changed, from time to time, to adjust to changed circumstances. They have stated, in the Brief filed herein, that: "For some time past, and certainly before and during the Commission hearings of the instant cause, appellant (Edison) has been seeking to get for itself by direct procurement a supply of out-of-state gas to use as boiler fuel" (Gas Co. Br. p. 9.)

It is clear, we submit, that the revision of the independent pipeline project, in which Edison is involved, *does not affect the subject matter of this* appeal, which involves a completely different project, termed "Rock Springs", which is being prosecuted by the real parties in interest, the Gas Companies. Moreover, the pending

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[1] See discussion of "Other Gas Supplies," in Decision No. 61201, set forth on page 18 of Exhibit "C" to Petition for Writ of Review, or, in the Alternative, for a Writ of Mandamus, which is part of the Record before this Court.

revision does not affect any of the factors involved in the issue of "economic feasibility", as presented to the Commission in the proceedings below, but only adds a new factor, not heretofore considered: The impact upon the "Rock Springs" project of the possible loss of the City of Los Angeles Department of Water and Power, the Gas Companies second-largest "interruptible customer".

1. *Economic Feasibility of Rock Springs Project.*

The record clearly shows that Edison has a *dual* interest in a proper determination by the state Commission, on the "economic feasibility" of the "Rock Springs" project, for it is both a customer of the Gas Companies, and is involved in a project for an independent interstate pipeline. (Statement, pp. 3-4, pp. 47-50; Edison Reply, pp. 2-5.)

As a customer of the Gas Companies, your appellant, Edison, is concerned with the prospect that the "Rock Springs" project, if consummated, will result in higher rates for the natural gas service offered by the Gas Companies. The several factors that could cause such higher rates were set forth by the state Commission, in the "Summary As To Economic Feasibility" on pages 34 and 35 of Decision No. 61261, which is before this Court as Exhibit "C" to the Petition For Writ of Review, etc. filed with the state Supreme Court. The Commission there concluded that, as then constituted, from the short term the "project does not appear economically feasible", for several factors, that did *not* involve the loss of the Edison load. It further concluded that from the long-range standpoint "the project appears economically feasible", but it recognized that this possibility was based on the assumption of continued

service to large interruptible customers, including Edison, and that: ". . . if many of the larger customers bring in their own gas supplies, this assumption may be wrong." As the Commission staff pointed out, the Gas Companies had included, in their annual total-use forecast, employed in their showing on economic feasibility, the ". . . full gas requirements of all interruptible customers", although three of the largest of these customers had given notice that they would not permit automatic annual renewal of their contracts."

The record shows that these three customers were your appellant, Edison, the Department of Water and Power of the City of Los Angeles, and the California Electric Power Company.[7]

As stated in the Edison notice of withdrawal of the application for authorization to participate in the "Pemex" project, brought before this Court by the Gas Companies, and the Commission, the revised project now contemplates "possible service to the Department of Water and Power of the City of Los Angeles as well as to Edison."[8]

The economic impact of the loss of the Department of Water and Power market, in addition to the loss of the Edison market, upon the "economic feasibility"

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[7]See Document "3" in the Appendix to the Gas Cos. Supplement; apparently adopted by appellee Commission.

[8]Testimony on this matter was presented to the state commission in the hearing below on the "Rock Springs" application by a witness for the Gas Companies, Mr. Walter Herrman. Extracts from transcripts of the proceedings before the state Commission on February 19, 1960 and February 17, 1961 are attached as Appendices 1 and 2 hereto. The testimony on the three large interruptible customers is set forth in Appendix 2, where the witness stated: "The three customers were Edison, Department of Water and Power, California Electric Power, and California Portland Cement and Riverside Cement."

of the "Rock Springs" project is indicated by the fact that the Department itself has consumed, and is expected to consume, in the next four years, quantities of natural gas that will approach, is magnitude, the quantity that will be consumed by Edison.*

As shown in the Statement as to Jurisdiction, at pages 38 to 40, the Federal Power Commission has recognized the necessity for findings on, and determination of the issue of, economic feasibility of the "Rock Springs" project without the Edison load. The necessity for such findings by the California Public Utilities Commission is equally essential, and has become more acute since the filing of this appeal, by the possibility that the Department of Water and Power load will not be served by the Gas Companies, so that the "Rock Springs" project will represent a costly, and unnecessary, natural gas supply.

It is submitted that the proposed revision of the independent interstate pipeline project, with which Edison is involved, does not resolve the controversy on the "economic feasibility" of the "Rock Springs" project, but on the contrary causes such controversy to become more acute.

II.

Reply to Argument of Gas Companies on Mootness.

We have attempted to set forth above, a brief summary of the factual consequences of the proposed revision of the independent interstate pipeline project, for we believed these facts would be useful in placing the suggestion of mootness in proper perspective.

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*Figures on the projected fuel requirements of Edison, and the Department of Water and Power, as presented to the Commission in the proceedings below, are set forth in Appendices 1 and 2 hereto.

It is fundamental that: "In determining whether a cause is moot the test is whether, at all stages of the litigation, there is an 'actual controversy, and adverse interests' capable of being acted upon by a judgment which can be carried into effect." (Robinson and Kirkham, Jurisdiction of the Supreme Court of the United States, [1956], p. 494.)

It is submitted that we have shown above that the pending revision of the independent project, and the withdrawal of the Edison application to the state Commission, do not affect the subject matter of this Appeal, which concerns the certification of a different pipeline project, which is being prosecuted by the Gas Companies, the real parties in interest.

It is clear, we submit, that there is an actual controversy between your appellant Edison, and the appellee Commission, and the real parties in interest, the Gas Companies, on the validity of the certificate granted for construction of the California segment of the proposed "Rock Springs" project. It is equally clear that the granting of the certificate affected Edison's property, and property rights, both as a customer of the Gas Companies, and as a party interested in an independent interstate pipeline project. (St. as to Juris. pp. 3-4; Edison Reply, p. 3.) Accordingly, so long as the certificate granted by the California Commission for construction of the California segment of the "Rock Springs" project remains outstanding, there are adverse interests capable of being acted upon by a judgment of your Honorable Court. It is settled law, that when valuable rights are claimed by one party, and denied by the other, a case is not moot. (*Security Mut. Life Ins. Co. v. Prewitt*, 200 U. S. 446, 26 S. Ct. 314, 50

L. ed. 545; 9 Id., 202 U. S. 246, 247-248, 26 S. Ct. 619, 50 L. Ed. 1013; *Board of Flour Inspectors of New Orleans v. Glover*, 160 U. S. 170, 16 S. Ct. 321, 40 L. Ed. 382; Id., 161 U. S. 101, 103, 16 S. Ct. 492, 40 L. Ed. 632; *Puget Sound Power and L. Co. v. The City of Seattle*, 271 Fed. 958; 1 Corpus Juris Secundum, p. 1017.)

Essentially, the supplemental motion of the real parties in interest, the Gas Companies, is based on a misunderstanding or a distortion of the issues raised in this Appeal. Thus, they assert that the two questions raised by the Appeal are the refusal of the Commission to consolidate the hearings on the "Rock Springs" and the "Pemex" applications, and the question of the unconstitutional prejudgment of the "Pemex" Application. (Gas Cos. Supp. Motion, p. 3.) But it is clear, as stated in the Edison Reply to Motion to Dismiss, that the question presented in this Appeal, in regard to the independent pipeline project, whether it is routed through Mexico, as in "Pemex", or elsewhere, is whether the guaranty of due process of law requires a determination, or finding, on the issue of mutual exclusivity, when such issue is raised before a special tribunal or administrative agency. (St. as to Juris., pp. 41-44, citing *Ashbacker v. Federal Communications Commission*, 326 U. S. 327; 66 S. Ct. 148; 90 L. Ed., 108.) And such issue of mutual exclusivity remains extant, for as stated in the Notice filed by Edison with appellee Commission, the independent pipeline project is now in the process of revision.

A careful reading of the Gas Companies Supplement to Motions To Dismiss Appeal shows that it is directed to only one, or possibly two of the questions raised

herein. (Compare Statement As to Jurisdiction, pp. 8-9.) As the Gas Companies motion is not directed to all of the issues involved they thus tacitly admit that even upon their own analysis of the case other questions remain upon this appeal to be decided by the court.

Moreover, the Commission itself, in the Briefs filed herein, recognizes that a primary issue presented here arises from the position of Edison as a present customer of the Gas Companies. (Comm. Br. p. 6.) The Commission also specifically recognizes the continued interest of Edison in procurement of natural gas from a source other than the real parties in interest herein. (Comm. Br. pp. 7-8.)

Under the factual situation here presented, the suggestion of mootness, we submit, is not applicable. Accordingly, we will not prolong this Reply by a detailed analysis of the decisions cited by the Gas Companies, in their Supplement. Upon examination it will be found that such decisions concerned matters where the subject matter of the appeal had ceased to exist, a factual situation completely different from that now presented to your Honorable Court. For purposes of reference, only, an analysis of these decisions is set forth in the footnote, below.[16] Moreover, as shown in

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[16] As stated above, upon examination, it will be found that each of the Decisions cited by the Gas Companies in the Supplemental Motion relate to matters where the subject matter of the appeal had itself ceased to exist:

(1) *Kimball v. Kimball*, 174 U. S. 158; 19 S. Ct. 639; 43 L. Ed. 174, the letters of administration, that were the subject of the Appeal, had been revoked.

(2) *United States of America v. Alaska Steamship Co.*, 253 U. S. 113; 40 S. Ct. 448; 64 L. Ed. 808; the forms of the bills of lading, presented for review, were modified by statute, prior to hearing of the appeal.

(3) *Heitmuller v. Stokes*, 256 U. S. 359; 41 S. Ct. 522; 65

the Statement As To Jurisdiction, at pp. 47-52, the issues of fact and law presented by this appeal involve matters of great public interest, both to the several million persons served by Edison, and also to other parties subject to the California statutes on proceedings of the state Public Utilities Commission. The factor of public interest is extremely pertinent when the suggestion of mootness is raised in regard to decisions of a major administrative body, such as the Public Utilities Commission of the State of California.[11] This is an additional ground for plenary consideration of this Appeal, and a decision on the merits.

L. Ed. 990; the appellee sold and conveyed the interest in real property that was the subject of the appeal.

(4) *Kowal Cadillac Service v. Interstate Commerce Commission*, 317 U. S. 595; 63 S. Ct. 158; 87 L. Ed. 487, the application for the certificate was denied, pending appeal. (Similarly, as suggested above, the question of mootness might arise here, if the certificate issued the real parties in interest, the Gas Companies, had been revoked or cancelled.)

(5) *Amalgated Association v. Wisconsin Employment Relations Board*, 340 U. S. 416-418, 95 L. Ed. 389; 71 S. Ct. 373 (1950), the arbitration award which was the subject of the appeal was superseded by agreement and terminated.

(6) *Dorchius v. Board of Education*, 342 U. S. 429, 433, 72 S. Ct. 94, 96 L. Ed. 475 (1951), the rights of a student, the subject of the appeal, were terminated by graduation.

(7) *Alton v. Alton*, 347 U. S. 610, 74 S. Ct. 736, 98 L. Ed. 987 (1954), the right of petitioner to maintain a divorce proceeding in the Virgin Islands was deemed moot by reason of entry of a valid decree of divorce in an action, in which appellant had appeared, in the State of Connecticut.

(8) *Textile Workers Union v. Lincoln Mills*, 353 U. S. 448, 77 S. Ct. 912, 1 L. Ed. 972 (1957), the respondent employer ceased all of its operations, and appeal deemed moot.

(9) *St. Pierre v. United States*, 319 U. S. 41, 63 S. Ct. 769, 87 L. Ed. 1190 (1943), appellant completed service of prison term prior to issuance of Writ of Certiorari, so matter deemed moot.

(10) *Ford Motor Company v. National Labor Relations Board*, 305 U. S. 364, 59 S. Ct. 301, 83 L. Ed. 221 (1939): Matter remanded by trial court to respondent board for purpose of setting aside findings and order and issuing proposed findings and making decision and order upon reconsideration of the entire case; so question deemed academic.

[11] See note, 53 Harvard Law Review 628 (1940).

Conclusion.

In the event that we have erred, in our analysis of this matter, we request, that in any judgment of dismissal your Honorable Court follow the established practice and vacate the judgment below, in the state Supreme Court, and remand this case for further proceedings.[12] We submit however that on the facts here presented, this Appeal merits the plenary consideration of your Honorable Court, and the motions of the adverse parties, to dismiss, should be denied.

Dated: December 18, 1962.

Respectfully submitted,

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[12] *National Milk Producers v. San Francisco*, 317 U. S. 423, 65 S. Ct. 359, 87 L. Ed. 375; *Dyer v. City Council of Belon*, 333 U. S. 825, 68 S. Ct. 450, 92 L. Ed. 1111; Stern and Gressman, Supreme Court Practice (1954) p. 366; Robertson and Kirkham, Jurisdiction of the Supreme Court of the United States (1956) p. 501.

APPENDIX.

Extracts from transcript of proceedings before the Public Utilities Commission of the State of California in the matter of the joint applications of Southern California Gas Company and Southern Counties Gas Company of California for a certificate of public convenience and necessity under Section 1001 of the Public Utilities Code. Application No. 40588 (Amended).

Appendix 1.

Appendix 1: Extracts from testimony offered February 19, 1960 being pages 2336 and 2337 of the transcript.

"Q. Can you give us the percentage of total fuel use since the initiation of the G-54 Schedule as between gas and oil by the Department of Water and Power?

A. Yes. G-54 Schedule I believe went into effect in July of 1957. For the six months of the 1957 year beginning in July our fuel requirements were met by burning 74.4 percent gas and 25.6 percent oil. For the calendar year 1958 we burned 76.9 percent gas and 23.1 percent oil.

For the calendar year 1959 we burned 66.5 percent gas and 33.5 percent oil.

Q. Now, can you give the Commission any estimate of the Department's future requirements, total fuel requirements, for the next 10 years?

A. Yes, I have tabulated here the estimated gross fuel requirements for the Department's power system for 1960 through 1969. Do you want me to give you those figures?

Q. Please.

A. They are expressed in Mcf gas.

1960, 64,814,000.
1961, 68,399,000.
1962, 72,576,000.
1963, 83,958,000.
1964, 91,737,000.
1965, 93,254,000.
1966, 90,863,000.
1967, 96,126,000.
1968, 105,610,000.
And 1969, 114,495,000.

Mr. Driscoll: That completes Mr. Blakeslee's direct examination.

Commissioner Mitchell: Thank you, gentlemen.

Mr. Lauren Wright: One question for clarification.

QUESTIONS FOR CLARIFICATION

Mr. Lauren Wright: I notice the year 1966 is the only year that is less than the preceding year. Was that a mistake perhaps?

The Witness: No, that was not a mistake. That was higher in anticipation of the incoming Bridge Dam power from the Colorado River.

Mr. Lauren Wright: Thank you.

The Witness: Of course it may or may not be true."

Appendix 2.

Appendix 2: Extracts from testimony offered on February 17, 1961 being pages 2839 and 3840 of the transcript.

"The Witness: Should I proceed?

Mr. McCarthy: What were the three customers you gave us before?

The Witness: The three customers were Edison, Department of Water and Power, California Electric Power and California Portland Cement and Riverside Cement.

Q. What are those figures you gave us before?

A. I beg your pardon?

Q. You showed figures for the five customers yearly one forty-six?

A. Yes. I gave them to you for Edison. I gave you the total for all G-54 electric customers, steam plant customers.

Now, as I understand it, you wish to have the year by year totals? I will give them to you to the nearest hundred billion—to the nearest billion cubic feet by years, and that will cover the steam-electric customers who have not evergreened, namely, Edison, Department, and Cal Electric Power. For the year 1962, Edison's figure I originally gave you: 65 billion cubic feet; Department of Water and Power fifty-two and one tenth billion cubic feet; California Electric Power 14.0 billion cubic feet.

For the year 1963, Edison, 73 billion cubic feet; Department of Water and Power, 59 billion cubic feet; Cal Electric Power, 12-8 10ths billion feet.

For the year '64, Edison, 82 billion cubic feet; Department of Water and Power, 63.2 billion cubic feet; Cal Electric Power, 13.1 billion cubic feet.

For the year 1965, Edison, 89 billion cubic feet; Department, 62.8 billion cubic feet; Cal Electric Power, 14.0 billion cubic feet.

The year 1966, 95.4 billion cubic feet for Edison; Department, 62.0; Cal Electric, 17.8.

Mr. McCarthy: That is what we wanted. Thank you."